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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,641	11/04/2003	Jim Lieh Pan	PANJ3003/EM	5381

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EXAMINER

NGUYEN, DUNG V

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,641

Applicant(s)

JIM PAN

Examiner

Dung V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: type error, page 5, lines 21 and 22, washer (14)" should be "washer (13)". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Moore (USPN 2,796,704). Moore discloses a sole assembly for an orbital sander having a motor A having a shaft with an outside end 3 and a drive shaft 2 defined eccentrically on the outside end 3 and having an axis, a distal end and a screw hole in the distal end, the sole assembly comprising a sole plate 4 having a top, a bottom, two opposite ends, an integral bearing seat integrally formed on and protruding from the top and having a top, top opening defined through the top of the bearing seat, a bottom recess defined coaxially with the top opening through the bottom of the sole plate 4, a bearing mounted and secured in the bottom recess of the bearing seat to hold the distal end of the drive shaft 2 and two sandpaper clips 7 mounted respectively at the ends of the sole plate 4 (note Fig. 1 and 2, col. 1, line 68 to col. 2, lines 11).

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore. Moore discloses the claimed invention as described above. Moore does not disclose expressly that the sole plate has multiple in-line protrusions formed on the top of the sole plate and arranged in two lines at the end of the sole plate, each of the sandpaper clips has a mounting bracket with multiple mounting holes aligned with the protrusions and mounting holes receives the aligned protrusion, whereby the sandpaper clips are fastened to the top of the sole plate by welding, a washer and fastener passing through the washer to screw into the screw hole in the drive shaft to attach the bearing to the drive shaft. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to select protrusions, mounting holes, welding, washer and fastener to attaché the bearing to the drive shaft because Applicant has not disclosed that protrusions, mounting holes, welding, washer and fastener provides an advantage, is used for a particular purpose, or solved a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either protrusions, mounting holes, welding, washer and fastener or other fastening method such as threaded screws because both perform the same function of attaching the sandpaper clips to the sole plate. Therefore,

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it would have been an obvious matter of design choice to modify Moore to obtain the invention as specified in claims 2 and 3.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hutchins, Attinger et al and Kranzler are cited to show sole assembly.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung V Nguyen whose telephone number is 703-305-0036. The examiner can normally be reached on M-F, 6:30-3:00.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on 703-308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DVN
October 12, 2004



**DUNG VAN NGUYEN
PRIMARY EXAMINER**